

PATENT

Attorney's Docket Number: **03804.0111-01**

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

ASSISTANT COMMISSIONER FOR PATENTS  
Washington, D.C. 20231

Prior Application: Art Unit: **1632**  
Examiner: **S. Priebe**

SIR:

This is a request for filing a Continuation under 37 C.F.R. 1.53(b) of pending prior application Serial No. 08/633,769, filed June 20, 1996 of Didier BRANELLEC et al. for GENE THERAPY FOR RESTENOSIS USING AN ADENOVIRAL VECTOR.

1. Enclosed is a complete copy of the prior application including the oath or Declaration and drawings, if any, as originally filed. I hereby verify that the attached papers are a true copy of prior application Serial No. 08/633,769 as originally filed on June 20, 1996, which is incorporated herein by reference.
2. A Preliminary Amendment is enclosed.
3. The filing fee is calculated on the basis of the claims existing in the prior application as amended at 2 above.

Basic Application Filing Fee					\$740	\$ 740.00
	Number of Claims		Basic	Extra Claims		
Total Claims	9	-	20	0	x \$18	
Independent Claims	3	-	3	0	x \$84	
[ ] Presentation of Multiple Dep. Claim(s)					+\$280	
Subtotal						\$ 740.00
Reduction by 1/2 if small entity						-
TOTAL APPLICATION FILING FEE						\$ 740.00

4. A check in the amount of \$740.00 to cover the filing fee is enclosed.



5. The Commissioner is hereby authorized to charge any fees which may be required including fees due under 37 C.F.R. § 1.16 and any other fees due under 37 C.F.R. § 1.17, or credit any overpayment during the pendency of this application to Deposit Account No. 06-0916.
6. Submission of Formal Drawings with Figures 1-4 on four drawing sheets is enclosed.
7. The prior application is assigned of record to: Aventis Pharma S.A.
8. Priority of application FR 94/10083, filed on August 17, 1994 in France is claimed under 35 U.S.C. § 119. A certified copy is on file in the prior application.
9. The power of attorney in the prior application is to at least one of the following: FINNEGAN, HENDERSON, FARABOW, GARRETT & DUNNER, L.L.P., Douglas B. Henderson, Reg. No. 20,291; Ford F. Farabow, Jr., Reg. No. 20,630; Arthur S. Garrett, Reg. No. 20,338; Donald R. Dunner, Reg. No. 19,073; Brian G. Brunsvold, Reg. No. 22,593; Tipton D. Jennings, IV, Reg. No. 20,645; Jerry D. Voight, Reg. No. 23,020; Laurence R. Hefter, Reg. No. 20,827; Kenneth E. Payne, Reg. No. 23,098; Herbert H. Mintz, Reg. No. 26,691; C. Larry O'Rourke, Reg. No. 26,014; Albert J. Santorelli, Reg. No. 22,610; Michael C. Elmer, Reg. No. 25,857; Richard H. Smith, Reg. No. 20,609; Stephen L. Peterson, Reg. No. 26,325; John M. Romary, Reg. No. 26,331; Bruce C. Zotter, Reg. No. 27,680; Dennis P. O'Reilly, Reg. No. 27,932; Allen M. Sokal, Reg. No. 26,695; Robert D. Bajefsky, Reg. No. 25,387; Richard L. Stroup, Reg. No. 28,478; David W. Hill, Reg. No. 28,220; Thomas L. Irving, Reg. No. 28,619; Charles E. Lipsey, Reg. No. 28,165; Thomas W. Winland, Reg. No. 27,605; Basil J. Lewris, Reg. No. 28,818; Martin I. Fuchs, Reg. No. 28,508; E. Robert Yoches, Reg. No. 30,120; Barry W. Graham, Reg. No. 29,924; Susan Haberman Griffen, Reg. No. 30,907; Richard B. Racine, Reg. No. 30,415; Thomas H. Jenkins, Reg. No. 30,857; Robert E. Converse, Jr., Reg. No. 27,432; Clair X. Mullen, Jr., Reg. No. 20,348; Christopher P. Foley, Reg. No. 31,354; John C. Paul, Reg. No. 30,413; David M. Kelly, Reg. No. 30,953; Kenneth J. Meyers, Reg. No. 25,146; Carol P. Einaudi, Reg. No. 32,220; Walter Y. Boyd, Jr., Reg. No. 31,738; Steven M. Anzalone, Reg. No. 32,095; Jean B. Fordis, Reg. No. 32,984; Roger D. Taylor, Reg. 28,992; Barbara C. McCurdy, Reg. No. 32,120; James K. Hammond, Reg. No. 31,964; Richard V. Burgujian, Reg. No. 31,744; J. Michael Jakes, Reg. No. 32,824; Thomas W. Banks, Reg. No. 32,719; Christopher P. Isaac, Reg. No. 32,616; Bryan C. Diner, Reg. No. 32,409; M. Paul Barker, Reg. No. 32,013; Andrew Chanh Sonu, Reg. No. 33,457; David S. Forman, Reg. No. 33,694; Vincent P. Kovalick,

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10. Since the power does not appear in the original declaration, a copy of the power in the prior application is enclosed.
11. Please address all correspondence to FINNEGAN, HENDERSON, FARABOW, GARRETT and DUNNER, L.L.P., 1300 I Street, N.W., Washington, D.C. 20005-3315, **Customer Number 22,852.**

PETITION FOR EXTENSION. If any extension of time is necessary for the filing of this application, including any extension in the parent application, Serial No. 08/633,769, filed June 20, 1996, for the purpose of maintaining copendency between the parent application and this application, and such extension has not otherwise been requested, such an extension is hereby requested, and the Commissioner is authorized to charge necessary fees for such an extension to our Deposit Account No. 06-0916. A duplicate copy of this paper is enclosed for use in charging the deposit account.

FINNEGAN, HENDERSON, FARABOW,  
GARRETT & DUNNER, L.L.P.

By: 

M. Todd Rands  
Reg. No. 46,249

Date: February 21, 2002

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Rule 53(b) Continuation )  
Application of: )  
Didier BRANELLEC et al. )  
Parent Application No.: 08/633,769 ) Parent Group Art Unit: 1632  
Parent Filed: June 20, 1996 ) Parent Examiner: S. PRIEBE

For: GENE THERAPY FOR RESTENOSIS USING AN ADENOVIRAL VECTOR

Assistant Commissioner for Patents  
Washington, D.C. 20231

**SUBMISSION OF FORMAL DRAWINGS**

Sir:

Subject to the approval of the Examiner, please replace the drawings filed with the application with the four sheets of formal drawings filed herewith (Figures 1-4). If the formal drawings for any reason are not in full compliance with the pertinent statutes and regulations, please so advise the undersigned.

If any fees are necessary for the submission of these formal drawings, please charge our Deposit Account No. 06-0916.

Respectfully submitted,

FINNEGAN, HENDERSON, FARABOW,  
GARRETT & DUNNER, L.L.P.

By: 

M. Todd Rands  
Reg. No. 46,249  
(202) 408-4148

Date: February 21, 2002

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